THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:14-02-2006

WRIT PETITION No.2734 OF 2006

BETWEEN:

Shaik Rahamthulla

…Petitioner

And

The Rayachoti Municipality, Rayachoti, Kadapa District, Represented by its Commissioner.

…Respondent

ORDER:

The petitioner seeks to issue a writ of mandamus, declaring the action of the respondent to demolish the houses bearing door Nos.56/28 and 56/29 of Rayachoti Town, Kadapa District belonging to the petitioner, without issuing any notice and without following the

due process of law, as illegal, arbitrary and contrary to the principles of natural justice and violative of Articles 14, 21 and 300-A of the Constitution of India.

Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent Municipality.

It is stated that the petitioner is the owner of the houses bearing door Nos.56/28 and 56/29 of Rayachoti Town, Kadapa District and the said door numbers have been allotted when Rayachoti was Gram Panchayat. The said houses were also assessed for house tax. It is stated that the father of the petitioner was the original owner, who was having two wives and the petitioner is the son of the first wife. The first wife got three children and the second wife got seven children and the said houses fallen to the share of the first wife and her children. The said houses are sought to be demolished for the purpose of road widening without following the due procedure prescribed under law.

The learned counsel appearing for the respondent-Municipality submits that in fact as per record, the above said two houses are falling within Sy.No.784/2 of Rayachoti town and the respondent is not taking any steps to demolish the said houses situated in Sy.No.782/2, but there is a proposal to construct an E-seva building in Sy.No.784/1 of Rayachoti town.

The petitioner is not seeking any relief in respect of Sy.No.784/1 of Rayachoti town and he is only seeking not to demolish his houses bearing door Nos.56/28 and 56/29 of Rayachoti town, Kadapa District.

Having regard to the facts and circumstances of the case, the respondents are directed not to demolish the houses bearing door Nos.56/28 and 56/29 of Rayachoti town, Kadapa District without following the due process prescribed under law.

The writ petition is disposed of accordingly. No costs.

V.ESWARAIAH, J

Date: 14-2-2006.

Note:

Issue C.C. in two days.

B/o

Shr.